

IN THE UNITED STATES DISTRICT COURT FOR
THE MIDDLE DISTRICT OF ALABAMA
SOUTHERN DIVISION

JAMES MOON, as personal representative)	
of the Estate of Randy Eugene Moon,)	
)	
Plaintiff,)	
v.)	CASE NO. 1:04-cv-950-F
)	WO
WERNER ENTERPRISE, INC., <i>et al.</i> ,)	
)	
Defendants.)	

ORDER

On April 14, 2005, in compliance with Fed. R. Civ. P. 56(f), the plaintiff filed a motion (Doc. # 32) requesting an extension of time to respond to the motion for partial summary judgment filed by defendants Werner Enterprises, Inc. and Driver's Management, LLC (hereinafter "Defendants"). In his motion, and supporting affidavit of his counsel, Plaintiff asserts that in order to fully respond to the motion for partial summary judgment it is necessary for him to obtain evidence in the form of an affidavit from an expert witness and to receive Defendants' discovery responses. On April 15, 2005, Defendants filed their opposition to Plaintiff's motion arguing that "neither an expert affidavit nor [their discovery responses] will provide a genuine issue of fact as to the grounds raised" in the motion for partial summary judgment. (Doc. # 33). Upon consideration of the motion and its opposition, it is hereby

ORDERED that, pursuant to Fed. R. Civ. P. 56(f), the motion (Doc. # 32) is GRANTED. Plaintiff shall file his response to the motion for summary judgment on or

before May 11, 2005. Defendants may file a reply brief on or before May 18, 2005.

Thereafter, the motion shall be deemed submitted.

DONE this 18th day of April, 2005.

/s/ Mark E. Fuller
CHIEF UNITED STATES DISTRICT JUDGE